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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,227	08/13/2001	Stephen F. Gass	SDT 304	8817
27630	7590	07/01/2004	EXAMINER	
SD3, LLC 22409 S.W. NEWLAND ROAD WILSONVILLE, OR 97070			ASHLEY, BOYER DOLINGER	
			ART UNIT	PAPER NUMBER
			3724	
DATE MAILED: 07/01/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/929,227

**Applicant(s)**

GASS ET AL.

**Examiner**

Boyer D. Ashley

**Art Unit**

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6,7,9-12,19 and 21-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1,3,4,6,7,9-12,19 and 21-30 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## DETAILED ACTION

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 3, 4, 6-7, 9-12, 27-30, drawn to a woodworking machine having, e.g, springs to actuate the brake such that the brake is accelerated over 500 feet per second squared, classified in class 83, subclass 788.
  - II. Claims 21-26, drawn to a woodworking machine having, e.g. a table saw, classified in class 83, subclass 477.2.

The inventions are distinct, each from the other because of the following reasons:

2. Claim 19 is in no group and will be examined with the elected invention. Claim 1 links the inventions of groups II and I. The restriction requirement of the linked inventions is subject to the nonallowance of the linking claim 1. Upon the allowance of the linking claims, the restriction requirement as to the linked inventions shall be withdrawn and any claims depending from or otherwise including all the limitations of the allowable linking claims will be entitled to examination in the instant application.

Applicants are advised that if any such claims depending from or including all the limitations of the allowance linking claims is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejection over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. In re Ziegler, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP 804.01

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3. Inventions of Groups II and I are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. For example, the invention of group I has separate utility such as it could be used without the circular blade or table saw of group II; conversely, the group II has separate utility such as it could be used without the springs for generating a braking acceleration of over 500 feet per second squared of Group I. See MPEP § 806.05(d).

4. If applicant elects Group I above the applicant must further elect between the following groups.

- A. Claims 3-4, drawn to a woodworking machine having a housing removably coupled to the frame, wherein the brake and springs are mounted within the housing, classified in class 83.
- B. Claim 6, drawn to a woodworking machine having a brake to blade spacing of 1/8 of inch, classified in class 83.
- C. Claim 7, drawn to a woodworking machine having a brake to blade spacing of 1/4 of inch, classified in class 83.
- D. Claims 9-12, drawn to a woodworking machine having a brake acceleration of over 500 ft/s<sup>2</sup>, one or more springs to apply at least 50 pounds of force, classified in class 83.
- E. Claim 10, drawn to a woodworking machine having a brake acceleration of over 2000 ft/s<sup>2</sup>, classified in class 83.

- F. Claim 27, drawn to a woodworking machine having brake component that is adapted to be pivoted into engagement with the blade, classified in class 83.
  - G. Claim 28, drawn to a woodworking machine having brake component that is adapted to be slid into engagement with the blade, classified in class 83.
  - H. Claim 29, drawn to a woodworking machine having brake component that is adapted to be rotates into engagement with the blade, classified in class 83.
  - I. Claim 30, drawn to a woodworking machine having brake component that is adapted to be destroyed by engagement with the blade, classified in class 83.
5. Claim 1 links the inventions of groups A-I. The restriction requirement of the linked inventions is subject to the nonallowance of the linking claim 1. Upon the allowance of the linking claims, the restriction requirement as to the linked inventions shall be withdrawn and any claims depending from or otherwise including all the limitations of the allowable linking claims will be entitled to examination in the instant application. Applicants are advised that if any such claims depending from or including all the limitations of the allowance linking claims is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejection over the claims of the instant application. Where a restriction requirement is withdrawn, the

provisions of 35 U.S.C. 121 are no longer applicable. In re Ziegler, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP 804.01

6. Inventions of Groups A-I are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. For example, the invention of group A has separate utility such as it could be used without the pivoting brake component of group F; conversely, the group F has separate utility such as it could be used without the housing removably coupled to the frame, wherein the brake and springs are mounted within the housing of Group A. See MPEP § 806.05(d).

7. If applicant elects Group II above the applicant must further elect between the following groups.

- V. Claim 22, drawn to a woodworking machine that is a table saw, classified in class 83.
- W. Claim 23, drawn to a woodworking machine having brake component that is adapted to be pivoted into engagement with the blade, classified in class 83.
- X. Claim 24, drawn to a woodworking machine having brake component that is adapted to be slid into engagement with the blade, classified in class 83.
- Y. Claim 25, drawn to a woodworking machine having brake component that is adapted to be rotates into engagement with the blade, classified in class 83.

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- Z. Claim 26, drawn to a woodworking machine having brake component that is adapted to be destroyed by engagement with the blade, classified in class 83.

8. It should be noted that the election of any of the groups V-Z will includes claims 1, 19, and 21. Claim 21 links the inventions of groups V-Z. The restriction requirement of the linked inventions is subject to the nonallowance of the linking claim 21. Upon the allowance of the linking claims, the restriction requirement as to the linked inventions shall be withdrawn and any claims depending from or otherwise including all the limitations of the allowable linking claims will be entitled to examination in the instant application. Applicants are advised that if any such claims depending from or including all the limitations of the allowance linking claims is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejection over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. In re Ziegler, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP 804.01

9. Inventions of Groups V-Z are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. For example, the invention of group V has separate utility such as it could be used without the pivoting brake component of group W; conversely, the group W has separate utility such as it could be used without the table saw structure of Group V. See MPEP § 806.05(d).

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10. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

11. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

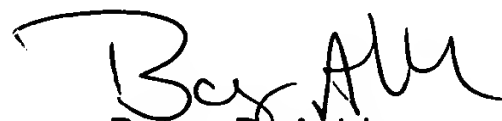
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boyer D. Ashley whose telephone number is 703-308-1845. The examiner can normally be reached on Monday-Thursday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Boyer D. Ashley  
Primary Examiner  
Art Unit 3724

BDA  
June 26, 2004